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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/889,486	10/10/2001	Olavi Pikka	30-551	4107

23117 7590 09/25/2003  
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EXAMINER
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ALVO, MARC S

ART UNIT	PAPER NUMBER
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1731

DATE MAILED: 09/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/889,486	PIKKA ET AL
Examiner	Art Unit	
Steve Alvo	1731	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 11 June 2003.

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1.4-13 and 15-19 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1.4-13 and 15-19 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)  The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a)  The translation of the foreign language provisional application has been received.

15)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_

4)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4-13 and 15-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 95/04188 or WO 94/12720 in view of the ADMITTED PRIOR ART (instant Fig. 1) or TUOMI for the reasons set forth in Paper No. 8, page 2 with or without LAINE et al (6,514,380). It is noted that on page 2, line 4 of the rejection, WO "94/12720, Fig 3" should have been "95/04188, Fig. 3".

It would have been obvious to recycle some of the liquor back to the digester as such is taught by the ADMITTED PRIOR ART, e.g. line going from filtrate tank (below washer (8) back to the bottom of the digester. The filtrate of the ADMITTED PRIOR ART is countercurrent to the flow direction of the pulp and at least part of the filtrate goes back to the digester. It would have been obvious to the artisan that the wash filtrate of WO 95/04188 or WO 94/12720 could be recycled countercurrent to the flow direction of the pulp and at least part of the filtrate could be recycle back to the bottom of the digester as taught by the ADMITTED PRIOR ART (Figure 1). It is noted that the bottom of the digester would be the brown stock washing section, see instant specification, page 5, lines 1-6. From Figures 4 and 5 of 95/04188 it would have been obvious to the routineer that the bleach filtrate can also go to the recovery unit. TUOMI and the ADMITTED PRIOR ART also teach separating the filtrate in a "process stage" after the oxygen delignification stage and the washer. See also Figure 1 of 95/04188 for recycling to the brown stock washer. If necessary, recycling some of the filtrate removed after

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the oxygen delignification stage (22), all the way back to the brown stock washer (16), is taught by LAINE et al. It would have been obvious to recycle the filtrate removed after the oxygen delignification stage of WO 95/04188 or WO 94/12720 could be recycled back to the brown stock washer as taught by LAINE et al.

The arguments with respect to TUOMI are not convincing as TUOMI does separate the filtrates at different concentrations. See TUOMI, column 2, lines 55-56, and column 3, lines 9-12. The filtrates of TUOMI coming off the washers are of different alkali concentrations and the filtrates are separated at washers 1, 2 and 3 into filtrates (25, 26 and 27); 19, 17 and 18) and (10, 8 and 9 respectively.

The argument that WO 94/12720 does not recycle the filtrate counter currently all the way back to the brown stock washer is not convincing as such is taught by LAINE et al.

Claims 1, 4-13 and 15-19 are ejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 step c should be clarified that stages (1) and (2) are alternative by placing an "or" before "(2)".

This action is properly made Final as LAINE et al was needed due to removing the broader term "or to some other point in order to lower COD level". LAINE et al was needed to show the obviousness of recycling to the narrower "to the brown stock washer".

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

When filing an "**Official**" FAX in Group 1730, please indicate in the Header (upper right) "**Official**" for papers that are to be entered into the file. The "**Official**" FAX phone numbers for this TC 1700 are:

**Non-Final Fax: (703) 872-9310      After-Final FAX: (703) 872-9311.**

When filing an "**Unofficial**" FAX in Group 1730, please indicate in the Header (upper right) "**Unofficial**" for Draft Documents and other Communications with the PTO that are not for entry into the file of the application. This will expedite processing of your papers. The "**Unofficial**" FAX phone number for this Art Unit (1731) is **(703) 305-7115**.

Any inquiry concerning this communication or earlier communications from the **primary examiner** should be directed to **Steve Alvo** whose telephone number is **(703) 308-2048**. The Examiner can normally be reached on Monday - Friday from **6:00 AM - 2:30 PM (EST)**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Steve Griffin, can be reached on 703-308-1164.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Group receptionist** whose telephone number is **703-308-0661**.

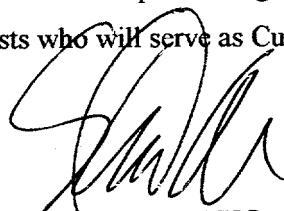
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**STEVE ALVO**  
**PRIMARY EXAMINER**  
**ART UNIT 1731**

MSA  
9/14/2003